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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,773	04/16/2004	John Harper	119-0042US	1274
29855	7590	04/17/2006	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/826,773	Applicant(s) HARPER, JOHN	
	Examiner CHAMELI C. DAS	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/04, 11/23/05, 1/22/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Election/Restriction filed on 4/5/06.
2. Applicant has elected group I (Claims 1-11 and 27).
3. Claims 12-26 have been canceled.
4. Claim 28 has been added.
5. Claims 1-11 and 27-28 are pending.
6. The IDS filed on 12/29/04, 11/23/05 and 1/20/06 have been considered by the Examiner.
7. Drawings filed on 4/16/04 have been accepted by the Examiner.

Specification

8. The Abstract is objected to because of the following informalities:
The paragraph [00163] number in the abstract should be deleted. The abstract contains the term "GPU" that should be spelled out as "Graphic Processing Unit".
Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the output buffer" in line 3. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets the limitation as "an output buffer".

Claim 1 recites the limitation "the input texture" in line 4. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets the limitation as "an input texture".

Claim 7 recites the limitation "the output of the first program" in line 4. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets the limitation as "an output of the first fragment program".

Claim 7 recites the limitation "the input of the second program" in line 5. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets the limitation as "an input of the second fragment program".

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Brotsky et al (Brotsky), US 5,490,246.

As per claim 1, Brotsky (US 5,490,246) discloses:

- determining whether the output buffer of first node will comprise data that is similar to the input texture of second node (col 3 lines 58-67, col 4-19, col 10 lines 45-49)

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- examining each program line ... combining nodes (col 17 lines 65-67, col 18 lines 1-20, col 4 lines 3-13), "removing edges between the nodes" clearly indicates negating the possibility of combining the nodes as claimed (see col 18 lines 5-10), and "the editor runs a graph traversal algorithm which, as it walk the graph" clearly indicates that examining each program line as claimed (col 4 lines 3-13).
- editing program to replace any first-node-texture references with a single pixel, ... first node (col 3 lines 25-67, col 4 lines 1-16 and col 5 lines 5-39).
-

For claim 2 (col 16 lines 27-30).

For claim 3 (col 16 lines 27-30).

For claim 4 (col 19 lines 63-67, col 20 lines 1-10, col 3 lines 58-67).

For claim 5 (col 3 lines 58-67, col 15 lines 58-67, col 16 lines 1-3).

For claim 6 (col 16 lines 55-67, col 17 lines 1-18).

As per claim 7, Brotsky (US 5,490,246) discloses:

- determining whether the output of the first program... second program (col 3 lines 58-67, col 4-19, col 10 lines 45-49)
- examining each program line ... two programs (col 17 lines 65-67, col 18 lines 1-20, col 4 lines 3-13), "removing edges between the nodes" clearly indicates negating the possibility of combining the nodes as

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claimed (see col 18 lines 5-10), and “the editor runs a graph traversal algorithm which, as it walk the graph” clearly indicates that examining each program line as claimed (col 4 lines 3-13.

- editing program ... reference (col 3 lines 25-67, col 4 lines 1-16 and col 5 lines 5-39, col 14 lines 50-53).
- 39).

For claim 8 (col 16 lines 27-30).

For claim 9 (col 16 lines 27-30).

For claim 10 (col 19 lines 63-67, col 20 lines 1-10, col 3 lines 58-67).

For claim 11 (col 3 lines 58-67, col 15 lines 58-67, col 16 lines 1-3).

For claims 27 and 28 (col 6 lines 1-5, col 14 lines 22-26).

11. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Analyzing an image showing a node-link structure, US 5522022 A

TITLE: Graphics data processing apparatus having image operations with transparent color having a selectable number of bits, US 4752893 A

B1

TITLE: Expression tree optimization for processing obscured graphical objects, US 6191797

TITLE: System and method of evaluating the performance of an image processing algorithm, US 6931633 B1

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TITLE: Methods for set up and programming of machine and process controllers, US 5168441 A

TITLE: Method and system for controlling the conversion of a file from an input format to an output format, US 6195664 B1

TITLE: Generating image data, US 7016011 B2

TITLE: Generalized belief propagation for probabilistic systems, US 6910000 B1.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
4/12/06